

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEONARD ANDERSON,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

Case No. C05-5009RBL

REPORT AND
RECOMMENDATION

**NOTED FOR:
AUGUST 19th, 2005**

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff was denied leave to proceed *in forma pauperis* and paid the filing fee. (Dkt. # 7). The court ordered plaintiff to provide an amended complaint as plaintiff had failed to fill in the blanks on the form complaint provided to him by other residents. (Dkt. # 8 (complaint), and Dkt. # 9 (order to amend)). Plaintiff failed to comply with the court's order and a Report and Recommendation to dismiss the action was entered. (Dkt. # 10).

ORDER

1 Plaintiff then filed a motion to recuse that violated Rule 11. The motion was denied and
2 sanctions were imposed. (Dkt. # 17). The sanctions order gave plaintiff 30 days to pay a \$500 fine
3 and warned plaintiff "If the sanction is not paid to the clerk of court within 30 days the court will
4 recommend that this action be dismissed both for failure to comply with the court's
5 orders and as a sanction." (Dkt. # 17). It has been over thirty days and the sanction has not been
6 paid.

7 The undersigned therefore recommends dismissal of this action with prejudice for failure to
8 comply with a court order and as a sanction for plaintiff's conduct. A proposed order accompanies
9 this Report and Recommendation.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal rules of Civil Procedure, the
11 parties shall have ten (10) days from service of this Report to file written objections. *See also* Fed.
12 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
13 appeal. Thomas v Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b),
14 the clerk is directed to set the matter for consideration on **August 19th, 2005**, as noted in the
15 caption.

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17 DATED this 26th day of July, 2005.

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19 /s/ J. Kelley Arnold
20 J. Kelley Arnold
21 United States Magistrate Judge
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ORDER